

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed February 24, 2005. At the time of the Office Action, Claims 1-10 were pending in this Application. Claims 1-10 were rejected. Claims 1-10 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Objections under 37 CFR 1.83(a)

Examiner has objected to the drawings for not showing every feature of the invention specified in the Claims under 37 CFR 1.83(a). Specifically, Examiner has stated that the drawings fail to disclose a gap element. Applicants respectfully submit that gap 28 is clearly shown in FIGURES 2, 3 and 4 and described in the description thereof. Applicants believe that no amendment to the drawings is required and request reconsideration and favorable action.

Rejections under 35 U.S.C. § 112

Claims 5 and 10 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claims 5 and 10 to overcome these rejections and respectfully request reconsideration and full allowance of Claims 5 and 10 as amended.

Rejections under 35 U.S.C. § 102

Claims 1-10 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by PCT Application Publication WO 99/30028 and also filed as U.S. Patent 6,257,506 by Karl Hofmann et al. ("Hofmann").

Claims 1-10 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,470,548 issued to Shoji Ushimura ("Ushimura").

Claims 1-10 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 4,982,901 issued to Volker Holzgrefe ("901-Holzgrefe").

Claims 1-10 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,012,981 issued to Volker Holzgreffe et al. ("981-Holzgreffe").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1997). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the Hill reference cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because Hill does not show all the elements of the present Claims.

Independent Claim 1 recites, among other features, "a gap provided axially in height between the sealed seat and the nozzle needle shaft, wherein an outer surface of the nozzle needle runs essentially parallel to an inner surface of the nozzle body in the region of the gap."

Independent Claim 6 recites, among other features, "an outer surface of the nozzle needle running essentially parallel to an inner surface of the nozzle body in the region of the gap."

Applicants submit that, among other features, each of the cited references fails to disclose, teach or suggest a gap as recited in Independent Claims 1 and 6. Specifically, Hofmann discloses, "[i]n transitional region between the valve shaft 10 and the closing cone 12, a throttle device of variable throttle cross section is disposed. Col. 4, lines 5-8. The Ushimura reference discloses a gap 48 that in the region between the sealed seat and the valve shaft has a non-uniform cross section. See Figures 1 and 2. Similarly, both Holzgreffe references disclose non-uniform "enlargement" elements 35 between the sealed seat and the shaft or "guide" portion 31. See Figure 1 of '981 Holzgreffe and Figures 1 and 3 of '901 Holzgreffe. Accordingly, Hoffmann, Ushimura and the Holzgreffe reference fail to disclose, teach or suggest a gap as recited in Independent Claims 1 and/or 6.

Applicants submit that the rejections under §102 are unsupported and request reconsideration, withdrawal of the §102 rejections and full allowance of Claims 1 and 6, and Claims 2-5 and 7-10 which depend therefrom.

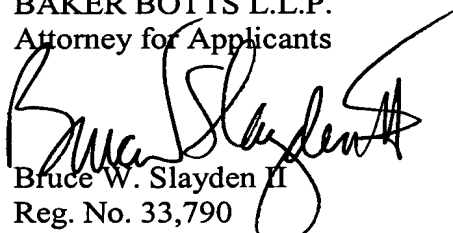
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,
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